



SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, D.C. 20005
(202) 736 8000
(202) 736 8711 FAX

ivanwazer@sidley.com
(202) 736-8119

BEIJING	GENEVA	SAN FRANCISCO
BRUSSELS	HONG KONG	SHANGHAI
CHICAGO	LONDON	SINGAPORE
DALLAS	LOS ANGELES	TOKYO
FRANKFURT	NEW YORK	WASHINGTON, D.C.

FOUNDED 1866

November 19, 2007

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

Re: Ex Parte Presentation of KATV, LLC
*Third Periodic Review of the Commission's Rules and Policies
Affecting the Conversion to Digital Television, MB Docket No. 07-91*

Dear Ms. Dortch:

KATV, LLC ("KATV"), licensee of KATV(TV), NTSC Channel 7/DTV Channel 22, Little Rock, Arkansas, by its undersigned counsel, hereby submits this *ex parte* letter in the above-referenced proceeding. The letter is being submitted in response to a request from the Commission staff for detailed information about the work remaining before stations complete the DTV transition.

KATV is the ABC affiliate in the Little Rock-Pine Bluff, Arkansas DMA, which is DMA 57. KATV has a maximized DTV construction permit to operate from its current analog transmission site with an ERP of 750 kW, a top-mounted antenna and a HAAT of 574 meters (1883 feet).¹ KATV elected to operate post-transition on its DTV channel 22 and certified on Form 381 that it would build-out its maximized DTV construction permit facilities on its post-transition DTV channel.² The Commission recently approved a channel 22 DTV allotment for KATV with the maximized facilities specified in its construction permit.³

KATV-DT is currently operating pursuant to special temporary authority ("STA") with an ERP of 750 kW, a side-mounted antenna and a HAAT of 514 meters (1,686 feet).⁴ KATV-DT's STA facility serves approximately 97.5 percent of the population predicted to receive service from KATV's DTV construction permit/post-transition allotment. This minor

¹ See FCC Permit No. BPCDT-19991027ABF.

² See FCC File No. BCERCT-20041105AWQ.

³ The Commission approved a post-transition DTV channel 22 allotment with these maximized construction permit facilities in Appendix B. *See Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Seventh Report & Order, FCC 07-138, MB Docket 87-268, released August 6, 2007.

⁴ See FCC File No. BDSTA-20060817ADZ.

Ms. Marlene H. Dortch

November 19, 2007

Page 2

reduction in over-the-air DTV service amounts to approximately 30,000 people and occurs because the side-mounted STA facility has a HAAT that is approximately 60 meters (198 feet) lower than KATV-DT's allotted facility. KATV's tower is one of the tallest permitted in the nation at approximately 1,859 feet above ground. With its top-mounted antenna, it approaches the 2,000 foot limit imposed by the Federal Aviation Administration. Aside from supporting KATV's top-mounted analog and side-mounted DTV antenna along with the transmission lines for both, the tower also supports the public television analog antenna of KETS that places maximum wind loads on this 43 year-old structure.

KATV will be unable to close the 2.5 percent analog/DTV service gap until after February 17, 2009 because any attempt to remove its top-mounted, 36,000 pound, analog channel 7 antenna from its 1,859 foot broadcast tower will inevitably cause a significant loss of analog service. Moreover, the removal of KATV's extremely heavy analog antenna cannot be done safely or cost effectively unless and until the analog channel 2 antenna of KETS, which is mounted immediately below the KATV channel 7 antenna, is also removed from the top of KATV's tower.⁵ Because KATV will have to wait to address the coverage shortfall between its side-mount and top mount facilities, it applied for and received a six month use or lose waiver.⁶ KATV recently filed for a six month extension of that waiver.

The side-mounted DTV-only antenna was not part of KATV's initial DTV build-plan. Due to severe windloading constraints on its aging tower, KATV's initial DTV build-out plan was to remove the top-mounted analog antenna and replace it with a combined channel 7/channel 22 antenna. This configuration would have allowed KATV to operate both its maximized DTV facility and maintain its full-power analog operation without increasing the windloading on the very tall tower.

After purchasing the transmitter and the combiner for the proposed channel 7/22 operation, KATV was in the final stages of the antenna design/selection when it encountered difficulties finding a tower crew that would remove the 36,000-pound analog antenna. KATV ultimately learned that its giant analog antenna could only be safely removed from the tower without interfering with the operation of KETS channel 2 by use of a custom designed, special purpose helicopter and that there was just one such helicopter in the entire country capable of handling the enormous 36,000 pound antenna. The cost to use this helicopter for the removal/installation was approximately \$1 million.

On top of this extraordinary expense, KATV also became concerned about the structural integrity of its tower. During a strong wind storm in March 2006, the tower began

⁵ Post transition, KETS has opted not to return to its channel 2 allotment and will no longer require the antenna on the KATV tower.

⁶ See *DTV Build-Out Requests for Waiver of July 1, 2005 and July 1, 2006 "Use or Lose" Deadlines*, FCC 07-90, released May 18, 2007.

Ms. Marlene H. Dortch
November 19, 2007
Page 3

flexing so much that KATV was forced to evacuate its transmitter building. The twin of the KATV tower was also erected in 1964 for use by KATV's sister station KTUL in Tulsa, Oklahoma. That tower collapsed under 2 million pounds of ice accumulation in 1988. This combination of events led KATV to reconsider its proposal to install a combined channel 7/22 antenna on the top of its tower.⁷

KATV has since taken efforts to stabilize its tower by adjusting its guy-wires. Its tower consultant has determined that KATV could safely side-mount a high-power, DTV-only, channel 22 antenna on the tower and add feedline to accommodate the authorized ERPs of both its analog and digital operations, provided that KATV's original analog feedline on the tower was removed. The FCC granted KATV's STA request to construct and operate this side-mounted DTV facility and KATV completed installation in October 2006.⁸ KATV must await the DTV transition date so that it may remove the KATV and KETS analog antennas piece by piece and then move the current side mounted DTV antenna to its approved top mounted position.

As required by the FCC's rules, one copy of this letter is being filed electronically in the above-referenced docket. Please direct any questions regarding this matter to the undersigned.

Sincerely,

Thomas P. Van Wazer / JT

Thomas P. Van Wazer

cc: Eloise Gore (via e-mail)
Nazifa Sawez (via e-mail)
Gordon Godfrey (via e-mail)
John Gabrysch (via e-mail)
Kevin Harding (via e-mail)
Evan Baranoff (via e-mail)
Shaun Maher (via e-mail)
Kim Matthews (via e-mail)

⁷ Although strengthening of the KATV tower was accomplished in 1999, concern over the new wind loading and tower work on the aging tower caused a reconsideration of all options.

⁸ See FCC File Nos. BDSTA- 20060817ADZ; FCC File No. BEDSTA-20070312ABI.